IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.301 OF 2000

Sou.Sarala Rajendra Barmecha & ors. ... Appellants.
Versus.
Smt.Kamala Pannalal Luniya & ors. ... Respondents.

Shri K.Y.Mandlik for the Appellants.

Shri P.J.Pawar for the Respondent No.1.

CORAM : ABHAY S. OKA, J.

DATED : 25th April, 2005.

P.C.:

1. By consent taken up for hearing forthwith. Heard the learned Counsel appearing for the parties.

2. Shri Mandlik stated that the suit pending in the trial Court is not being decided because of the pendency of this Appeal. He fairly stated that the Appellants and the Respondent No.1 be directed to maintain statusquo as of today and the suit may be directed to be disposed of expeditiously. Shri Pawar appearing for the Respondent No.1/Original Plaintiff has no objection for the suggestion being accepted.

3. In view of this, I pass the following order:

(i) Till the disposal of the Special Civil Suit No.289 of 1999 the parties will maintain statusquo as of today.

(ii) The learned trial Judge will hear and decide the suit as expeditiously as possible and preferably on or before 31st March 2006.

(iii) All contentions of the parties on merits of the suit are kept expressly open. The learned trial Judge will decide the suit uninfluenced by the primafacie findings recorded in the impugned Judgment and order.

(iv) The Appeal is disposed of in the above terms with no order as to costs.

(v) Parties and the trial Court to act on an authenticated copy of this order.

Judge.